



May 22, 2003

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED**

Eileen L. Furey, Esq.
Associate Regional Counsel (C-14J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

**Re: Response to March 18, 2003 Request for Information Pursuant to Section 104(e) of
CERCLA for Allied Paper/Portage Creek/Kalamazoo River Superfund Site
Kalamazoo and Allegan Counties, Michigan**

Dear Ms. Furey:

Attached are responses of the MeadWestvaco Corporation (“Mead”) to the above-referenced Section 104(e) Request re: the Allied Paper/Portage Creek/Kalamazoo River Superfund Site (“Site”), dated March 18, 2003 and received by Mead on March 24, 2003.

As a preliminary matter, Mead notes that in the March 18, 2003 letter, EPA states that the 104(e) Request is part of its investigation of the Allied Paper/Portage Creek/Kalamazoo River Superfund Site and that the agency believes Mead “may have information that is relevant to this investigation.” However, much of the information requested does not pertain to the Site being investigated but rather pertains very generally to Mead operations at its mill in Chillicothe, Ohio.

The extremely broad coverage of this information request exceeds the agency’s legitimate information gathering authority under CERCLA 104(e). CERCLA provides that certain designated officials may require any person to furnish information or documents relating to the identification and quantity of materials generated, treated, stored or disposed of at a facility, where such information is relevant to an EPA investigation. As Mead understands the present request, the material or contaminant at issue is polychlorinated biphenyls (“PCBs”) present at the Allied Paper/Portage Creek/Kalamazoo River Superfund Site. Accordingly, Mead has provided information in a manner that is relevant to EPA’s investigation of PCB contamination at the Site being investigated. However, Mead has not responded to requests that do not relate to the generation, storage, treatment or disposal of materials at the Allied Paper/Portage Creek/Kalamazoo River Superfund Site or to the nature or extent of a release or threatened

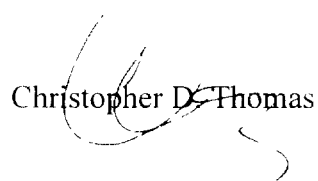
release at that Site. For instance, general information about production of NCR paper is not relevant to the Site.

Furthermore, because Mead's Chillicothe Mill did not maintain detailed records for time periods prior to 1988, very little of the requested information could be found. However, some information covering the relevant time period was located and, to the extent it is within the legitimate scope of this request, Mead has presented such information in its responses to this Information Request.

Mead wishes to fully and promptly cooperate with the EPA's Information Request. However, by responding to this Information Request, Mead is in no way admitting to liability or responsibility for conditions at the Allied Paper/Portage Creek/Kalamazoo River Superfund Site. Mead expressly reserves all rights to challenge the relevancy, materiality, accuracy and/or admissibility of any information, documents or materials provided in any proceeding whatsoever, and reserves the right to challenge any subsequent request for information as appropriate. Similarly, Mead expressly reserves its rights to assert all claims and defenses available under any law in any action or proceeding.

If you have any questions regarding Mead's responses to this Information Request, please contact me at your convenience.

Very truly yours,



Christopher D. Thomas

CDT/PGR/mte

Enclosures

**Mead Responses to March 18, 2003
Information Requests**

1. Provide the month and year when NCR paper coated with any emulsion containing PCBs was first produced at the Chillicothe mill; the month and year when NCR paper coated with any emulsion containing PCBs was last produced at the Chillicothe mill; the amount of finished NCR paper shipped from the Chillicothe mill annually; and the amount of broke generated by the Chillicothe mill annually.

Mead objects to this request on the grounds that it is overly broad and exceeds the agency's statutory authority insofar as it seeks information that does not relate to the generation, storage, treatment or disposal of materials at the Allied Paper/Portage Creek/Kalamazoo River Superfund Site or to the nature or extent of a release or threatened release at that Site. Information relating to manufacturing and coating operations outside the Kalamazoo River area or to general production/transportation figures for NCR paper or broke is not relevant or related to the Site in question. Mead does provide information regarding NCR broke shipments to the State of Michigan in response to Questions 2 and 3 below. Additionally, and without waiver of its objections, Mead states that, to the best of its knowledge, the Chillicothe Mill produced NCR paper from late 1954 until 1971.

2. Identify each shipment of NCR paper broke from the Chillicothe mill that was sent, directly or indirectly through a waste paper broker, to any of the secondary fiber pulp and paper mills located within the Kalamazoo River area of Michigan. For each shipment, identify: (a) the date (month and year) of the shipment; (b) the amount (in pounds) of NCR paper broke shipped; and (c) the name and address of the entity to which the shipment was sent.

In 1965 Mead Pulp Sales made the following shipments of NCR paper broke from the Chillicothe Mill to the Kalamazoo Paper Company, located on the Kalamazoo River (later purchased by Georgia-Pacific):

Chillicothe Mill NCR Paper Broke shipped to the Kalamazoo Paper Company ("KPC")

Date	Shipped to	Weight (lbs)
1/1/65	KPC	56960
2/16/65	KPC	57000
3/13/65	KPC	56300
4/8/65	KPC	56700
6/10/65	KPC	57700
7/12/65	KPC	49060
8/3/65	KPC	49400
9/27/65	KPC	59520
10/11/65	KPC	60600
11/25/65	KPC	57900
Total		561140

Debit Memos for these shipments from the Chillicothe Mill to KPC are attached as Exhibit 1

3. Provide the dates (month and year) and amounts in pounds of NCR paper broke shipped from the Chillicothe mill, either directly or indirectly, to company-owned waste paper brokers (e.g., Mead Paper Sales) and to other waste paper brokers.

Mead objects to this request on the grounds that it is overly broad and exceeds the agency's statutory authority insofar as it seeks information that does not relate to the generation, storage, treatment or disposal of materials at the Allied Paper/Portage Creek/Kalamazoo River Superfund Site or to the nature or extent of a release or threatened release at that Site. Information relating to the sale or transportation of NCR paper broke other than to facilities that released materials at the Site is not relevant or related to the Site in question.

Notwithstanding this objection, and without waiver of its objection, Mead provides the following information about shipments of NCR paper broke in 1955 to the Dreyfuss Paper Company in Kalamazoo, Michigan. Although Mead is unaware of the nature of Dreyfuss operations, its current status, or its past location in Kalamazoo, it nevertheless provides this summary in the interest of full disclosure of possibly relevant information. Mead has no knowledge of where Dreyfuss may have sold/marketed this NCR paper broke

Chillicothe Mill NCR Paper Broke shipped to the Dreyfuss Paper Company

Date	Shipped to:	Weight (lbs)
6/17/55	Dreyfuss	23490
7/23/55	Dreyfuss	21815
7/27/55	Dreyfuss	23950
8/3/55	Dreyfuss	23765
8/6/55	Dreyfuss	22375
8/16/55	Dreyfuss	25665
8/23/55	Dreyfuss	22110
8/29/55	Dreyfuss	24450
9/7/55	Dreyfuss	30020
9/20/55	Dreyfuss	24070
9/20/55	Dreyfuss	26310
9/23/55	Dreyfuss	26405
10/3/55	Dreyfuss	27245
10/20/55	Dreyfuss	29970
Total		351640

Debit Memos for these shipments from the Chillicothe Mill to Dreyfuss are attached as Exhibit 2.

4. To the extent available, provide the current names, addresses and phone numbers for each waste paper broker to which NCR paper broke was shipped from the Chillicothe mill during the relevant period.

Mead objects to this request on the grounds that it is overly broad and exceeds the agency's statutory authority insofar as it seeks information that does not relate to the generation, storage, treatment or disposal of materials at the Allied Paper/Portage Creek/Kalamazoo River Superfund Site or to the nature or extent of a release or threatened release at that Site. Information relating to the sale or transportation of NCR paper broke other than to facilities that released materials at the Site is not relevant or related to the Site in question.

Notwithstanding this objection, Mead provides the following current address of the company-owned waste paper broker that made the shipments to the Kalamazoo Paper Company, described in the response to Request No. 2 above:

MeadWestvaco Fiber Sales
Courthouse Plaza, NE
Dayton, OH 45463
(formerly Mead Pulp Sales)

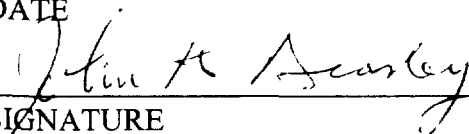
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

John H. Beasley
NAME

Associate General Counsel
TITLE

May 22, 2003
DATE


SIGNATURE